

JAMES PATRICK SHEA, ESQ.
Nevada Bar No. 405
ARMSTRONG TEASDALE LLP
3770 Howard Hughes Parkway, Suite 200
Las Vegas, Nevada 89169
Telephone: 702.678.5070
Facsimile: 702.878.9995
Email: jshea@armstrongteasdale.com

DAVID MARDER, ESQ.
Massachusetts Bar No. 552485 (*pro hac vice*)
SHERLI FURST, ESQ.
New York Bar No. 4783577 (*pro hac vice*)
MICHAEL A. KOLCUN, ESQ.
New York Bar No. 5054127 (*pro hac vice*)
ROBINS KAPLAN LLP
399 Park Avenue, Suite 3600
New York, New York 10022-4611
Telephone: (212) 980-7400
Facsimile: (212) 980-7499
Email: DMarder@RobinsKaplan.com
SFurst@RobinsKaplan.com
MKolcun@RobinsKaplan.com

Counsel for Plaintiff Sonoro Invest S.A.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SONORO INVEST S.A., a Panamanian
corporation,

Plaintiff,

v.

ROBERT MILLER, an individual; ANDREW
SHERMAN, an individual; COSTAS TAKKAS, an
individual; and STEPHEN GOSS, an individual,

Defendants,

and

ABAKAN, INC., a Nevada corporation,

Nominal Defendant.

Case No. 2:15-cv-2286

FINAL ORDER AND JUDGMENT

ECF No. 156

WHEREAS, this matter came before the Court for hearing pursuant to the Court's Order Preliminarily Approving Settlement and Providing for Notice, dated October 2, 2017 ("Preliminary Approval Order"), on the unopposed application of Plaintiff Sonoro Invest S.A. ("Plaintiff" or

1 “Sonoro”) for final approval of the settlement set forth in the Settlement Agreement dated August 10,
2 2017 (“Settlement Agreement”);

3 WHEREAS, due and adequate notice having been given to current Abakan shareholders as
4 required in the Preliminary Approval Order, and the Court having considered all papers filed and
5 proceedings had herein, and otherwise being fully informed in the premises, and good cause
6 appearing therefore,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

8 1. This Court has jurisdiction over the subject matter of this action, including all matters
9 necessary to effectuate the settlement set forth in the Settlement Agreement, and over all the parties.

10 2. The Court finds that the settlement set forth in the Settlement Agreement is fair,
11 reasonable, and adequate as to each of the parties, and hereby finally approves the settlement in all
12 respects, finding that the settlement set forth in the Settlement Agreement provides substantial
13 benefits to Abakan and its current shareholders, and orders the parties to perform its terms to the
14 extent they have not already done so.

15 3. This action, and all claims contained herein, is ordered compromised, settled, released,
16 discharged, and dismissed on the merits with prejudice by virtue of the proceedings herein and this
17 Final Order and Judgment. The parties are forever enjoined and permanently barred from instituting,
18 commencing, or prosecuting any claims arising out of, relating to, or in connection with the
19 institution, prosecution, assertion, defense, settlement, or resolution of this action. The parties are to
20 bear their own costs, except as otherwise provided in the Settlement Agreement.

21 4. The Court finds that the notice to current Abakan shareholders, provided directly via
22 first-class mail, provided the best notice practicable under the circumstances of these proceedings and
23 of the matters set forth herein, including the settlement set forth in the Settlement Agreement, to all
24 persons entitled to such notice, and said notice fully satisfied the requirements of Federal Rule of
25 Civil Procedure 23.1 and the requirements of due process.

26 5. Current Abakan shareholders are forever enjoined and permanently barred from
27 instituting, commencing, or prosecuting any claims arising out of, relating to, or in connection with
28 the institution, prosecution, assertion, defense, settlement, or resolution of this action.

1 6. The Court finds that the award of \$350,000 in attorneys' fees and \$52,121.69 in costs
2 to Plaintiff's counsel is fair and reasonable in accordance with the Settlement Agreement, and finally
3 approves the award of attorneys' fees and costs.

4 7. Without affecting the finality of this Final Order and Judgment in any way, this Court
5 hereby retains continuing jurisdiction over implementation of the settlement as set forth in the
6 Settlement Agreement, and the parties, for the purpose of construing, enforcing, or administering the
7 settlement, including but not limited to, payment of the settlement sum as set forth in the Settlement
8 Agreement.

9 8. This Final Order and Judgment is a final, appealable judgment and should be entered
10 forthwith by the Clerk in accordance with Federal Rule of Civil Procedure 58. The Clerk of
11 Court is directed to CLOSE THIS CASE.

12
13 
14 _____
15 U.S. District Judge Jennifer A. Dorsey
16 December 14, 2017
17
18
19
20
21
22
23
24
25
26
27
28